

REMARKS

Claims 1-7 and 11-21 were previously cancelled. Claims 22 and 29 have been withdrawn. Claims 8-10 and 23-28 are currently pending. Claim 8 has been amended. Figure 6 has been amended.

Paragraphs 1 and 2 of the Office Action

The drawings have been objected to under 37 CFR 1.83(a) because the “IV bag must be shown ...[and] the conventional IV bag does not appear to have the needle assembly within the bag.”

Figure 6 shows the conventional IV bag. Figure 6 has been amended to include additional contour lines on the IV bag to illustrate that the needle assembly is in the IV bag. Accordingly, it is believed that the present replacement version of Figure 6 is no longer objectionable. Therefore, inclusion of Figure 6 should be approved and withdrawal of this objection is respectfully requested.

Paragraph 3

In Applicant's August 21, 2003 Response, it was applicant's understanding that claims 23 and 25 were supposed to be withdrawn as a result of the April 8, 2003 restriction requirement. However, based on Examiner's comments in the October 31, 2003 Final Office Action, it is understood this understanding is in error and that claims 23-25 were not supposed to be withdrawn. As a result, claims 23-25 have been reclassified as “Previously Presented” in the Claim Amendment section above. If this reclassification is improper, Application is willing to re-introduce claims 23-25 as new claims either by Examiner's Amendment or in a subsequent Response.

Second Instance of Paragraph 3 and Paragraph 4 of the Office Action

According to the October 31, 2003 Office Action, claims 8-10 and 23-28 have been finally rejected under 35 U.S.C. §103(a) as being unpatentable over Katsura et al (U.S. Patent No. 5,223,315), in view of Heider (U.S. Patent No. 5,405,667) and Admitted Prior Art.

Claim 8 has been amended to additionally require: "*at least one of an ink and an adhesive in communication with an exterior surface of the metallic layer*".

The combination of limitations in the amended claim 8 now claims at least one of an ink and an adhesive as pointed out by the Examiner. As previously discussed, the purpose of the Heider reference is to reduce the manufacturing cost and enhance the attractiveness of the container. In contrast, a feature of the metallic layer in claim 8, as amended, is to help prevent contamination of items in the semi-permeable container by helping to prevent ink and/or adhesive used in labeling from passing through the semi-permeable material of the container. The references forming the basis for this rejection simply do not teach, disclose or suggest all of the features now claimed in amended claim 8. As a result, claim 8, as amended, is now believed to be allowable.

Claims 9, 10 and 23-28 all depend from the amended claim 8. Therefore, By virtue of their dependency from amended claim 8, these claims are now believed to be in condition for allowance. Removal of this rejection of Claims 8-10 and 23-28 is respectfully requested.


If for any reason an insufficient fee has been paid, the Examiner is hereby authorized to charge the insufficiency to Deposit Account No. 05-0150.

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (650) 843-3215.

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Attachment: 1 replacement sheet of drawings for Figure 6